

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                 )                           4:08CR3147  
                                  )  
V.                            )  
                                  )  
KARRIE L. PENFOLD,         )                           MEMORANDUM AND ORDER  
                                  )  
Defendant.                 )  
                                  )

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Upon motion, (filing no. 24), Assistant Federal Public Defender Michael J. Hansen and the Federal Public Defender's office were granted leave to withdraw as counsel for the defendant on November 25, 2008. Filing No. 25. Nancy K. Peterson was appointed as counsel for the defendant on December 9, 2008. Filing No. 27.

The government has moved to exclude the time between November 25, 2008 and the date the defendant was again represented by counsel from the calculation of time under the Speedy Trial Act. Filing No. 25. The government explains that it cannot pursue its case or negotiate a plea against an unrepresented criminal defendant. Upon consideration, the court finds that the government's motion should be granted.

IT THEREFORE HEREBY IS ORDERED:

1. The government's motion to stay, (filing no. 25), is granted.

2. The ends of justice will be served by granting such a motion, and outweigh the interests of the public and the defendant in a speedy trial, and the time period beginning on November 25, 2008 and continuing through December 8, 2008 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the defendant was unrepresented during this time frame, and the

parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h) (8) (A) & (B).

DATED this 11<sup>th</sup> day of December, 2008.

BY THE COURT:

S/ *David L. Piester*

David L. Piester  
United States Magistrate Judge